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DEC 27 2007

In re Patent No. 7,067,143	:	OFFICE OF PETITIONS
Issued: June 27, 2006	:	
Application No. 09/945,374	:	PATENT TERM ADJUSTMENT
Filed: August 31, 2001	:	
Dkt. No.: CRD-5715CIP	:	

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705(d)," filed July 27, 2006.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(d) is GRANTED TO THE EXTENT INDICATED HEREIN.

The above-identified application matured into U.S. Patent No. 7,067,143 on June 27, 2006. The instant request for reconsideration was timely filed in accordance with 37 C.F.R. § 1.705(d). The patent issued with a PTA of zero days. Patentees argue that the application is entitled to an adjustment of 319 days rather than the zero days of adjustment presently accorded.

At the time of issuance, an adjustment of 665 days could be attributed to the Office (224 days in accordance with 37 CFR 1.702(a)(1); 323 days in accordance with 37 CFR 1.702(a)(4); and 118 days in accordance with 37 CFR 1.702(b)).

The adjustment of 665 days is properly reduced a total of 367 days for applicants' delay under 37 CFR 1.704 (a pre-allowance reduction of 20 days under 37 CFR 1.704(b); a pre-allowance reduction of 29 days in accordance with 37 CFR 1.704(b); and a post-allowance adjustment of 318 days in accordance with 37 CFR 1.704(c)(3)(i)).

The pre-allowance reductions totaling 49 days are not under review.

The post-allowance reductions total 318 days, the calculation for which is set forth herein.

The adjustment is properly reduced 318 days in accordance with 37 CFR 1.704(c)(3)(i) in connection with the revival of the application on April 25, 2005. The reduction began June 12, 2004, the date of abandonment, and ended April 25, 2005, the date that the application was revived.

It is noted that a reduction under 37 CFR 1.704(b) in connection with the submission of the issue fee payment would not be appropriate because the time period of this reduction (from June 12, 2004, the day after the date that the issue fee payment was due, and April 8, 2005, the date the issue fee payment was received) overlaps with the period of reduction accorded under 37 CFR 1.704(c)(3)(i) (June 12, 2004 to April 25, 2005).

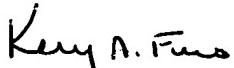
It is further noted that a reduction under 37 CFR 1.704(c)(4) in connection with the submission of the petition under 37 CFR 1.137(b) would not be appropriate because the time period of this reduction (October 1, 2004, the day after the date that is two months after the date that the Notice of Abandonment was mailed, and April 8, 2005, the date the petition to revive was filed) overlaps with the period of reduction accorded under 37 CFR 1.704(c)(3)(i) (June 12, 2004 to April 25, 2005).

In view thereof, at the time of issuance, the application was entitled to a patent term adjustment of 298 days (adjustment of 665 days less reductions of 367 days).

Receipt is hereby acknowledged of the required application fee of \$200.00.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 298 days.

Telephone inquiries specific to this matter may be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.



Kery Fries
Senior Patent Attorney
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,067,143 B2

DATED : June 27, 2006

INVENTOR(S) :

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b)
by 0 days

Delete the phrase "by 0 days" and insert – by 298 days--

Day : Thursday
 Date: 12/27/2007

Time: 10:12:08

PALM INTRANET

PTA Calculations for Application: 09/945374

Application Filing Date:	08/31/2001	PTO Delay (PTO):	665
Issue Date of Patent:	06/27/2006	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	665
Post-Issue Petitions:	0	Total PTA (days):	298
PTO Delay Adjustment:	298		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
53	12/27/2007	ADJUSTMENT OF PTA CALCULATION BY PTO		6	
52	12/27/2007	ADJUSTMENT OF PTA CALCULATION BY PTO	3		
51	12/27/2007	ADJUSTMENT OF PTA CALCULATION BY PTO	301		
46.5	06/07/2006	PTA 36 MONTHS	118		
46	06/27/2006	PATENT ISSUE DATE USED IN PTA CALCULATION	323		35
45	04/28/2006	RECEIPT INTO PUBS			
44	04/27/2006	DISPATCH TO FDC			
43	04/08/2005	ISSUE FEE PAYMENT VERIFIED			
42	04/24/2006	CORRESPONDENCE ADDRESS CHANGE			
41	04/25/2006	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
40	04/11/2006	RECEIPT INTO PUBS			
39	04/11/2006	RECEIPT INTO PUBS			
38	03/03/2006	WORKFLOW - FILE SENT TO CONTRACTOR			
37	06/08/2005	EXPORT TO INITIAL DATA CAPTURE			
36	06/08/2005	APPLICATION IS CONSIDERED READY FOR ISSUE			
35	04/08/2005	ISSUE FEE PAYMENT VERIFIED	301		25
34	04/25/2005	MAIL-RECORD PETITION DECISION OF GRANTED TO ACCEPT DELAYED PAYMENT OF ISSUE FEE	315		25
33	04/08/2005	PETITION ENTERED			
32	04/11/2005	ISSUE FEE PAYMENT RECEIVED			
31	07/30/2004	MAIL ABANDONMENT FOR FAILURE TO PAY ISSUE FEE			
30	07/30/2004	ABANDONMENT FOR FAILURE TO PAY ISSUE FEE			

28	06/15/2004	RECEIPT INTO PUBS			
27	04/05/2004	RECEIPT INTO PUBS			
26	04/02/2004	WORKFLOW - FILE SENT TO CONTRACTOR			
25	03/11/2004	MAIL NOTICE OF ALLOWANCE			
24	03/09/2004	ISSUE REVISION COMPLETED			
23	03/09/2004	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
22	03/08/2004	NOTICE OF ALLOWABILITY			
21	02/17/2004	IFW AMENDED CASE PROCESSING COMPLETE			
20	02/17/2004	DATE FORWARDED TO EXAMINER			
19	01/22/2004	RESPONSE AFTER NON-FINAL ACTION	29	17	
18	01/22/2004	REQUEST FOR EXTENSION OF TIME - GRANTED			
17	09/24/2003	MAIL NON-FINAL REJECTION			
16	09/22/2003	NON-FINAL REJECTION			
15	07/20/2003	DATE FORWARDED TO EXAMINER			
14	07/14/2003	RESPONSE TO ELECTION / RESTRICTION FILED			
13	06/12/2003	MAIL RESTRICTION REQUIREMENT	224	-1	
12	06/12/2003	REQUIREMENT FOR RESTRICTION / ELECTION			
11	06/05/2003	CASE DOCKETED TO EXAMINER IN GAU			
10	06/05/2003	APPLICATION DISPATCHED FROM OIPE			
9	11/26/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
8	01/16/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
7	02/04/2002	CASE DOCKETED TO EXAMINER IN GAU			
6	01/29/2002	APPLICATION IS NOW COMPLETE	20	5	
5	10/09/2001	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
4	10/06/2001	CORRESPONDENCE ADDRESS CHANGE			
3	10/05/2001	CORRESPONDENCE ADDRESS CHANGE			
2	09/10/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	08/31/2001	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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